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Cornea, Sergiu

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THE INSTITUTIONAL ISOMORPHISM OF THE REGIONAL BUREAUS FOR CROSS-BORDER COOPERATION IN ROMANIA

Sergiu CORNEA*

Valentina CORNEA**

Abstract

By their status and their organisational structure, the Regional Bureaus for Cross-border Cooperation in Romania are non-governmental bodies of private law, their stated mission being that of advertising the regional development and the cross-border cooperation. The study highlights the institutional isomorphism and the implications of this phenomenon in the advertising and support of the cross-border cooperation. The documentary analysis proves that the Regional Bureaus of Cross-border Cooperation in Romania are sensitive to the mimetic and normative pressures, but less to those of coercion. The set-up model, the financing and current activity practices, bring them closer to the status and activity of a governmental agency and makes them distinctly separated from what a non -governmental structure should be. The capacity of these structures to accomplish their fundamental mission through "soft transfer mechanisms" (styles, ways of taking action, values, etc.) is reduced. The conditioning of the financial support is imposed as a solution for the effective organization of the activities.

Keywords: *cross-border cooperation, structure, function, effectiveness, institution*

* Associate professor PhD, Vice Rector „Bogdan Petriceicu Hasdeu „, State University of Cahul, Moldova.

** Lecturer, PhD, "Dunărea de Jos" University of Galati, Romania. Faculty of Law, Political and Social Sciences.

1. Introduction

The cross-border cooperation between Romania and its neighbours, regardless of who they are, is marked by legislative and institutional transformations⁴². The regulation of the cooperative activities aimed also at creating responsible institutional and administrative structures in this field. This institutional framework was necessary for the coordination's level, as well as for the level of the regional interest representation in front of national or European structures.⁴³ Usually, the process of adopting a new regulatory framework (for example, the negotiations for EU accession process) encourages compliance reports and actions – at the institutional, local, national and international level⁴⁴. Since Romania has expressed interest and intent to participate in all the programmes of the *Interreg* European Territorial Cooperation, the establishing of institutions located close to the border where the Community Initiative Program will be implemented, is more than necessary,

The philosophy of the institutional framework for the implementation of the cross-border cooperation programmes suggests the existence of some structures with clearly defined roles. The management authorities, the implementation bodies, the technical secretariats, the points of information and the cross-border cooperation bureaus are structures that compose a mutual support system, generated by the interactions among them, and at the same time, of elements of novelty in the Romanian institutional perspective. This study analyzes the organisational and operational mode of the Regional Bureaus of Cross-border Cooperation -CBCRB. Their organisational structure of public or private regime was not a topic of the debate of the administrative meeting agenda. Between a governmental agency and an organized effort of a non-governmental structure, the latter option was preferred. Therefore two hypotheses are raised regarding the organisational and operational structure of the CBCRBs. The first hypothesis is that the option in favour of non-governmental structures was supported by economic and political reasons. The second hypothesis, directly

⁴² Bărbulescu, I, G. *Cooperarea transfrontalieră între România și Ucraina, respectiv între România și Republica Moldova. Oportunități și provocări în perioada 2014-2020*. The European Institute of Romania, Bucharest 2016, p.55.

⁴³ Ibid. 1, p. 57.

⁴⁴ Beciu, C., *Percepția europeanizării în instituțiile publice: imaginarul „adaptării” la un nou sistem*. The Romanian Sociology Magazine, new series, issues 3–4, Bucharest, 2009, p. 202.

addressed to the spirit of the institutional isomorphism⁴⁵, is that the CBCRB operate very much like governmental agencies, although they have the status of a non-profit organisation, without being particularly more effective.

It is acknowledged that the nature of the established organisation, its structure and the extent to which it is adapted for solving the problem which brought this organisation into the existence, vary depending on the concepts of its supporters and on the physical and social context in which it appears and develops.⁴⁶

From an analytic point of view, the issue of isomorphism engages discussions concerning the coercion, normative and mimetic mechanisms which “make the organisations resemble all the more, without making them particularly more effective”.⁴⁷ The study of the implications of isomorphism for the BRCT is necessary and at the same time useful, because it highlights their capacity to fulfil their fundamental mission, by “soft transfer” mechanisms” (styles, ways of acting, values, etc.), which give them specificity in relation to any type of organisation – that of changing the community and the people.

In this study design is opted for a constructivist model of analysis. At the beginning we present the history of the creation of the Regional Bureaus of Cross-border Cooperation as structures of development opportunities in the context of European regulatory application. The financing and current practices of activities are two aspects analysed as formal and informal pressures exercised over the RBCBCs by the organisations they depend on. In the end, we outline the implications of the institutional isomorphism for achieving the tasks related to the cross-border cooperation. The preferred methodology is the documentary analysis. It consists in an analysis of the documents posted on the official websites of BRCTs. We started from the assumption that the non-governmental organisations fall under the scope of Law 544 of 2001 regarding the free access to information of public interest.⁴⁸ Therefore, the RBCBCs are bound to communicate *ex officio* information of public interest. In this order of ideas, is

⁴⁵ The isomorphism is a phenomenon that forces a certain entity or organisation to resemble other entities that are confronted with the same constraints. This usually happens for different reasons, which may depend on internal or external factors that influence the organisation.

⁴⁶ Simon, H., Thompson V. A., Smithburg D. W. *Administrația publică*, Cartier Publishing, Chisinau 2003, p. 54.

⁴⁷ Di Maggio, Paul J., Powel Walter W. *The iron cage revised: Institutional isomorphism and collective rationality in organisational fields*. American Sociological Review, Volume 48, Issue 2, 1983, p.147.

⁴⁸ Law 544/ 2001 concerning the free access to information of public interest, published in the Official Journal no. 663/23, October 2001.

aimed at analysing the documents concerning the normative acts that regulate the functioning of the Bureaus, the organisational structure and duties and the periodic reports of activity.

2. The set-up of Bureaus of Cross-border Cooperation - normative pressure

Herbert Simon, reference author in the field of public administration and Laureate of the Nobel Prize in Economics in 1978, said that one can learn a lot about organisations by studying their origin.⁴⁹ Through the logic of their set-up and functioning, the RBCBCs are the meeting point between the associative world and the governmental bureaucracy. The private structure of organisation distinguishes them from public (governmental) agencies, whereas the interdiction of non-distributable concerning the ownership right distinguishes them from for-profit organisations.

By admitting as some of their fundamental missions the stimulation and supporting the initiatives and actions of local communities in the border areas, providing professional services to potential applicants for accessing European funds, effectively managing the programmes and projects of cross-border cooperation and supporting the efforts of the region in promoting a lasting economical and social development – all these grant them a certain specificity in comparison to any other type of organisation.

By accepting this idea, we should count not only on their “virtues” of the promotion of some alternatives for consumers, specialization, cost-effectiveness, flexibility, innovative spirit, engaging in the social action for protecting the interests of the beneficiaries, but also counting on them as “stimulators” or “critics” of the government and the advertising of voluntary participation of the citizens.⁵⁰ From the perspective of the characteristic virtues for the non-profit sector, the bureaus are perfectly qualified according to the definition of Peter Dobkin Hall, stating that the non-profit organisation represents a group of individuals that associate for one of the three major aims:

⁴⁹ Ibid. 5.

⁵⁰ Vlăsceanu, M, *Economie socială și antreprenoriat. O analiză a sectorului nonprofit*, Polirom, Yassi 2010, p. 21.

- a) to perform public tasks that have been delegated to them by the state;
- b) to perform public tasks for which there's a demand that neither the state nor for-profit organizations are willing to fulfil;
- c) to influence the direction of policy in the state, the for profit sector, or other non-profit organizations.⁵¹

Hence, two missions:

1. Fully or partially fulfilled public services.
2. Promoting a cause.⁵²

The second aspect that distinguishes them from governmental structures is the private organisational structure. The RBCBCs are structures created by the Association of Agencies for Regional Development located in the border areas.

Unlike many other associations that focused on creating a non-governmental structure, the Association of the Agencies for Regional Development is a somewhat induced one, or even imposed.

The invoked reason to support the creation of the RBCBC being “the transformations recorded at the level of the European Union” which “requires the taking into consideration of the importance of the cross-border cooperation and definition for the period 2007-2013 of a new conception of the developmental support in border areas”.⁵³

In the process of negotiation of the Chapter 21, “*The regional politics and coordination of the structural instruments*”, Romania committed to setting up regional bureaus for cross-border cooperation by the end of 2004, so that they should become operational by the end of the first quarter of the year 2005. Through the Emergency Ordinance no.111 of the 16th of November 2004, Law no. 315/2004 regarding the regional development in Romania is amended and completed, a law by which the Agencies of regional development in the growth regions, including counties located across the joint border can associate, forming regional bureaus for cross-border cooperation, for the purpose of ensuring the administrative, financial and technical management of the cross-border

⁵¹ Ibid., p.20⁵² Idem.

⁵² Idem.

⁵³ <http://brctsuceava.ro/despre-brct/despre-noi/>

cooperation programmes.⁵⁴ From the texts of the regulations, one can easily notice the limited and customized nature of the association. Thus there were 5 RBCBCs set up – in Iași, Suceava, Timișoara, Oradea and Călărași, by the Association of the Regional Development Agencies in the joint border areas. An agency of regional development can be a founding member of several RBCBCs, such as is the case of the Agency for South-East Regional Development which is the founding member of the Iasi, Suceava and Călărași CBCRBs, or that of the West Agency of Regional Development, which is the founding member of Timișoara and Oradea RBCBCs. The data regarding the set-up of RBCBC are shown in Table 1.

Table 1. The Association of the Regional Development Agencies with focus on RBCBC

| Border area with: | Founding agencies | Localization |
|--------------------------|------------------------------------------------|---------------------|
| Ukraine | South-East ADR, North-East ADR, North-West ADR | Suceava |
| Moldova | North-East ADR, South-East ADR | Iasi |
| Serbia | South-West ADR, West ADR | Timișoara |
| Hungary | North-West ADR, West ADR | Oradea |
| Bulgaria | South ADR, South-East ADR, South-West ADR | Călărași |

Thus, the RBCBCs become bodies with legal personality, non-governmental, non-profit and apolitical, operating in the field of regional development and cross-border cooperation. In order to accomplish the purpose for which they were created, the BRCTs carry out tasks delegated by the Ministry of Regional Development and Public Administration and European funds. In the BRCT's account falls also the management of the Joint Technical Secretariats. The JTSs are set by the Joint Management Authorities of the cross-border programmes and assists them in executing certain duties. By forming these JTSs, it is ensured the separation of positions from the creation of the projects and their evaluation

⁵⁴ Law no. 315/2004 regarding the regional development in Romania published in the Official Journal of Romania, Part I, no.577 from 29 June 2004, art. 8.

and selection phases. The JTSs are responsible for the implementation of the cross-border programmes in which Romania participates.⁵⁵

The mission and practices oriented towards the public benefit are two aspects that allow one to consider these structures as governmental bodies, but insufficiently convincing if we think that enough public services, financed from the state budget meet this range of goals (for example the General Development Directorates of the Counties Councils). The separation line between the non-governmental and public sectors is all the more blurred. Therefore, P. Drucker's claim that "the non-profit institutions do not provide goods and services, nor control"⁵⁶ is irrelevant in the case of the BRCTs, because these also fulfil the role of First level Controller.. This prerogative implies the analysis, regularity and legality of all the expenses performed during the implementation of the programmes of cross-border cooperation.

This automatically brings up a question: How come these structures did not take the form of agencies, given their duties and financing mode. Following Herbert Simon's suggestions, the answer should be looked for in a more careful analysis of the government's duties and the community's attitude.⁵⁷ If the government's duties (in the case of cross-border cooperation) are obvious, the measuring of the community's attitude is premature, if not even impossible, given the inexistence of experiences in this field. The option is owed much rather to reasons of political and economical nature. The European experts drew the attention that the large number of governmental agencies creates a real "administrative zoo".⁵⁸ Whereas the Romanian specialists claim that, taking into account the spending of the public money, the agencies are a true El Dorado. In 2009, Romania had around 300 agencies⁵⁹.

⁵⁵ http://www.fonduri-structurale.ro/Document_Files/transfrontaliera/00000041/yujkx_POC_Ro-Ua_Md_feb_romana.pdf pp. 90-91.

⁵⁶ Drucker, P., *Managing the Non-profit Organization: Principles and Practices*, Harper Collins, New York, 1990.

⁵⁷ Ibid. 5, p. 56.

⁵⁸ Werner Jann et al, *Best practice in the governance of agencies – A comparative study in view of identifying the best practice for governing agencies carrying out their activities on behalf of the European Union*, Brussels, the European Parliament, 2008, p.8.
[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2008/392953/IPOL-JOIN_ET\(2008\)392953_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2008/392953/IPOL-JOIN_ET(2008)392953_EN.pdf)

⁵⁹ <http://www.ziua.ro/display.php?id=256704&data=2009-08-06>

3. The financing of the Regional Bureaus of Cross-border Cooperation

The most common practice of the financing policy or transfers of public funds for the activity of the non-profit sector is another testimony of the lack of clarity and ambiguities as concerns the nature of one sector or another⁶⁰. In the European Union, the governmental financing represents an essential part of the total income of the non-governmental organisations. According to the European Citizen Action Service (ECAS), a typical European NGO receives approximately half of its incomes from public sources. For these reasons, ECAS considers that the financial relation is a vital one. In 2003, the percentage of the non-governmental income obtained from governmental financing ranged between 30 (Sweden, Norway) to over 70 (Belgium, Ireland) in the Western Europe, and in the EEC countries, from nearly 20 (Slovakia) to 40 (the Czech Republic). The governmental financing for the NGO sector was estimated in 1995 to 5% of the total income which the non-governmental organisations had in Romania. The total value of the governmental financing for non-governmental organisations represented at the time 9.5 million dollars. In 2006, the financing from the Romanian central public authorities made up almost 17 million dollars.⁶¹

From the perspective of the financing sources, including: a) donations, sponsorships, grants, b) incomes made exclusively from the sale of some goods and services, c) financing from own resources, the BRCTs are receiving-distributive institutions⁶²; are financed through the use of a) - sources and depend on the funds of the programmes for cross-border cooperation⁶³ and b) the amount of the contributions of the county councils. The value of the county councils contributions varies between 100,000 and 250,000 RON. It is a financing approach of "QUANGO" type (100% financing), when the non-profit organisations are used consciously to execute projects aiming to meet the governmental

⁶⁰ Vlăsceanu, M., op. cit., p.18-19.

⁶¹ The analysis of the financing mechanisms from the state budget for Non-Governmental Organisations in Romania. Report of the Foundation for the Development of the Civil Society, April 2007, p. 6 <http://www.fdsc.ro/documente/15.pdf>

⁶² Hansmann, H. *Economic Theories of Non Profit Organization*, p. 28. <https://law.yale.edu/system/files/documents/pdf/Faculty/Hansmanneconomictheories.pdf>

⁶³ The programmes of cross-border cooperation have a technical assistance budget. This is capitalized based on the implementation agreements, delegation consents and the concluded financing contracts, in conformity with the law in force, between the management authority and the regional bureaus for cross-border cooperation

objectives.⁶⁴ The legal ground being Law no. 350/2005 concerning the regime of the non-refundable financing from public funds granted for non-profit activities of general interest – a framework law which promotes a procedure applicable to all the financing forms of the non-profit entities from public money.

The tasks accomplished by the BRCTs rely basically on the government; the goals of the bureaus are also approved by government decision, hence the perspective that the resources should also come from the government. All the bureaus have as general duties to ensure the administrative, technical and logistical support, corresponding to the implementation of the projects within the PHARE Programmes of cross-border cooperation, in the stage prior to Romania's accession to the European Union. After Romania's accession to the European Union, two of the bureaus -Călărași and Oradea operate as management authority or as counterpart authority of the management one. The other three bureaus - Suceava, Iasi, Timișoara – have the capacity of intermediate body for the European Neighborhood Instrument , since 2007.⁶⁵ For one year since the set-up of the Bureaus, namely 2005, the financing was ensured from budgetary resources. In order to become operational, as agreed, the five bureaus benefit from Technical Assistance from the budget of the Ministry of the European Integration. Through specific regional programmes, the Ministry develops a sub-programme called "Technical Assistance for the Regional Bureaus of Cross-Border Cooperation". The financial support in value of 1.5 million RON for all of the five regional bureaus is stipulated in "Other economic actions" chapter ,under "Transfers", for personnel expenses and the purchase of equipment.⁶⁶

Furthermore, unlike other non-profit organisations, which are quasi-autonomous in ensuring the financial resources for carrying out the activities, the BRCTs are supported financially on the one hand by the Ministry of Regional Development and Public Administration and European Funds as Management Authority of the Programme, and on the other hand by the county councils in the cross-border area. The value of the county councils contributions is set by the Councils for Regional Development. For each programme of cross-border cooperation, between the BRCT and the ministry is concluded an agreement of

⁶⁴ Procedural aspects as concerns the public utility NGOs. <http://www.eurolines-group.ro/docs/memo-ong-utilitate-publica.pdf>

⁶⁵ Annex to the Decision no. 773/2005.

⁶⁶ Decision no. 773/2005 concerning the approval of the structure, indicators and funds related to the sub-programme. The technical assistance given to the regional bureaus for cross-border cooperation by the budget of the Ministry of the European Integration, within the specific regional programmes. Text published in the Official Journal of Romania; in force since 27 July 2005.

technical assistance to ensure the proper management of the programmes of cross-border cooperation. Proper management means the monitoring of activities at the level of the STCs and of the First Level Controller of the selected projects, the participation into the drafting and/or revising of the documents of the Cross-border Cooperation Programmes (procedures, reports, statistics, studies or other necessary documents), organizing seminars and training sessions for increasing the skills of the personnel, etc. The technical assistance is two-dimensional:

- a. for supporting the implementation, management and the evaluation of the Programme;
- b. for supporting the activities of information and publicity of the Programme.

In order to capitalize the budget of technical assistance, specific rules are set : "... the technical assistance budget must be used to fulfil the tasks that contribute to ensure a proper implementation of the programme at the level of generating the project (e.g. themed seminars, means of information and publicity, evaluation), as well as increasing the general capacity of the financed projects".⁶⁷

As an example, in Table 2 are shown the data regarding the financial support of the activities carried out by a BRCT.

Table 2 Technical Assistance granted to the BRCT of Timișoara⁶⁸

| Technical assistance for the IPA Programme of Cross-border Cooperation Romania – Republic of Serbia, EUR | | | | | | |
|-------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------|------------|------------|------------|------------|
| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
| | M.1 Implementation, management, evaluation | | | | | |
| 425,807.50 | 763,249.00 | 1,040,955.05 | 896,924.25 | 945,172.80 | 995,634.75 | 449,328.25 |
| | M.2 Information and publicity | | | | | |
| | 36,550.00 | 81,600.00 | 59,075.00 | 62,560.00 | 55,420.00 | 15,300.00 |

⁶⁷ The Hungary-Romania programme of European cross-border territorial cooperation 2007-2013,p.77. http://arhiva.fonduri-structurale.ro/Document_Files//transfrontalierastructurale

⁶⁸ M.1 represents the financing of the activities of Technical Assistance related to *Measure 4.1. – Support for the implementation, management and evaluation of the IPA Programme of Cross-border Cooperation Romania-Serbia*; M2 represents the financing for the activities of information and publicity of the IPA Programme of Cross-border Cooperation between Romania and Serbia.

The offering of financial support to the non-profit organisations is supported by several reasons, namely:

- the reason of “the choice offered to the consumer”;
- the specialization in a certain field or for specific groups of the population;
- the reason of cost-effectiveness;
- the reason of the produced results;
- the reason of the flexibility and organisational structures.

These reasons, as well as the reduced level of bureaucracy and of targeting the purpose and mission per se, can be an answer to why the EU insisted on the non-profit organisations.

The argument has been criticized repeatedly, but it remains until proven otherwise. In the case of the BRCT, the reasons of the cost-effectiveness and of the produced result are hard to support.

4. The cost-effectiveness and occurred results

The evaluation of the organisational and institutional effectiveness and efficiency was imposed all the more so as a necessity along time. This happened because of at least two simple reasons: 1) the resources of any kind – material, financial, informational, and human – have always been and will always be limited; 2) any organisation or institution operates, exists with a mission, with purposes that must be achieved with the help of the available resources, without which their existence (mission) is not justified.⁶⁹ The efficiency is important on two dimensions. The first is about the capacity of drafting new ideas and of rendering quality social services. All the social institutions will have to work on the efficiency in the 21st century, when there is need of fast and highly specialized actions.⁷⁰ The cost effectiveness is also one of the reasons for the granted financial

⁶⁹ Neamțu, N. *Aplicații ale managementului prin obiective în evaluarea eficacității organizației non-profit și a instituției publice furnizoare de servicii sociale*, Transylvanian Review of Administrative Sciences, 20/2007, pp. 96-114, <http://rtsa.ro/rtsa/index.php/rtsa/article/viewFile/152/148>

⁷⁰ Țugui, E., *Organizațiile neguvernamentale din Republica Moldova: evoluție, activități și perspectivele dezvoltării* IDIS Viitorul Publishing, Chisinau, 2013, p.65.

support. However, the results of several empirical investigations have proven that it is nearly impossible to make general assessments with regard to the presence or direction of any difference between the two sectors.⁷¹ Usually the studied variables which are considered responsible for the differences in cost-effectiveness were: the size of the organisation, the characteristics of the clientele and of the personnel and the type of treatment.

If we assess the activity of the BRCTs and we start from the idea that their goal is to ensure the administrative, financial and technical management of the programmes of cross-border cooperation, it is obvious that we must determine to what extent this management is secured. Given the status of the bureaus – non-governmental organisations that achieve delegated tasks – the evaluation of the results would aim at what Dwight Waldo calls “the efficiency of various instruments and routine procedures and of mechanical nature... serving some goals that are important solely by the fact that they are connected with the achievement of some superior goals”.⁷²

The documentary analysis of the existing content on the BRCT websites allows only feeble accounts of the efficiency of these procedures. We summarized the analysis to simple indicators – the organisational chart of the bureau and the job descriptions, with the idea of assessing the clarity of the share of tasks and responsibilities. Only two of the five bureaus show information concerning the responsibilities and tasks. The bureau in Timișoara is the only one which, besides its mission, also shows the values of the organisation. This criterion is supported by the general information concerning the articles of incorporation (non-profit organisation) and founding members. The positions (information officer, monitoring officer, implementation, execution personnel, etc) and the related tasks can be guessed from the employment advertisements.

The training seminars, information seminars, final conferences of the programmes of cross-border cooperation, public consultations and social-cultural events are “routine” activities of the bureaus. There is no activity report, much less analyses of the public consultations, of the training and information seminars. Thus, for the bureaus altogether one can note the ignorance of a responsibility specific for the management – that of the evaluation of the achieved activities. But this irresponsibility is rarely punished. The evaluation reports might be used as grounds for the expenses and mandatory requirement so as to benefit of financial support from the county councils. We certify a single case where the County

⁷¹ Vlăsceanu, M. *Sectorul nonprofit: contexte, organizare, conducere*, Paideia Publishing, 1996, p. 56.

⁷² Ibid. 5, p. 650.

Council conditions the approval of the contribution by presenting an activity report.⁷³

In reference to the occurred results, we note that it is extremely difficult to know if the functioning of a BRCT implies a lower quality of the services or a bigger effectiveness. It is hard to assess whether the rate of absorption of the European funds or the number of filed projects are owed to the beneficiaries or the different value added by the BRCT.

5. Conclusions

A non -profit organisation's identity is outlined by its mission and by how this mission is accomplished. By the current activity practices, the BRCTs, non-profit organisations *de facto*, get closer to the status and activity of a governmental agency. They behave more like closed systems than open ones. The current activity practices are strictly concerned with the delegated attribution, without supplementing the governmental offer with qualitative or other types of services. They are visible only by informing referring to the employment and the cooperation programmes, this information is gathered from the official websites of the cross-border cooperation programmes. The financial dependency on the budgets of technical assistance, instead of affiliations, for strictly procedural activities limit the capacity of the bureaus to engage in effective and modifications from time to time.

In order to overcome this situation, it is necessary to distinguish the management activity from advertising the programmes of cross-border cooperation. The conditioning of the financial support is a solution that can determine the BRCT to build their activity on practices that might generate the ongoing growth of what they do, to exploit, to develop new methods of actions starting from their own successes and learning how to innovate.

⁷³ In January 2017, the County Council of Iași approved its contribution to the budget of the Iași Regional Bureau of Cross-border Cooperation for the year 2017, in amount of 250,000 RON. In February 2017, the decision of the council is revoked, because at the request of one member of the council, the Iași BRCT did not show an activity report for the year 2016.

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